

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Ameren Services Company	Docket No. EL03-212-000
On behalf of:)
Union Electric Company)
Central Illinois Public Service)
Company)
)
American Electric Power Service Corporation)
On behalf of:)
Appalachian Power Company)
Columbus Southern Power)
Company)
Indiana Michigan Power)
Company)
Kentucky Power Company)
Kingsport Power Company)
Ohio Power Company)
Wheeling Power Company)
)
Dayton Power and Light Company)
)
Exelon Corporation)
On behalf of:)
Commonwealth Edison Company)
Commonwealth Edison Company of)
Indiana, Inc.)
)
FirstEnergy Corporation)
On behalf of:)
American Transmission Systems,)
Inc.)
Cleveland Electric Illuminating)
Power Company)
Ohio Edison Company)
Pennsylvania Power Company)
Toledo Edison Company)
)
Illinois Power Company)
)
Northern Indiana Public Service Company)

**MOTION TO INTERVENE AND NOTICE OF INTERVENTION OF THE
STATE OF MICHIGAN AND MICHIGAN PUBLIC SERVICE COMMISSION**

Pursuant to Rules 211 and 214(a)(2) of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 C.F.R. §§ 385.211, 385.214(a)(2), the State of Michigan and Michigan Public Service Commission (collectively "Michigan") file a Motion to Intervene and Notice of Intervention in the above-captioned proceeding. In support thereof, Michigan states as follows:

I. Communications

1. Service of all pleadings, documents, and communications in this matter shall be made at the following address:

Michael A. Cox
Attorney General

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II. Description of Filing

2. The Commission's July 23, 2003 Order addressed an initial decision¹ issued in the underlying proceeding² in which Michigan was a party. The Commission, in the July 23, 2003 Order, established this docket regarding the justness and reasonableness of the Through-and-Out rates of AEP, Ameren, ComEd, First Energy, Illinois Power, NIPSCO, and DP&L.

¹ *Midwest Independent System Operator, Inc., et al*, 102 FERC ¶ 63,049 (2003) (the "Initial Decision").

III. Basis for Intervention

3. Michigan is a sovereign state of the United States and seeks to intervene in its *parens patriae* capacity to preserve and protect the health, safety and welfare of its citizens and in its proprietary capacity as a substantial purchaser of electricity.

4. The Michigan Public Service Commission is an agency of the State of Michigan, created by 1939 PA 3, MCL 460.1 *et seq.* As the Michigan regulatory agency having jurisdiction and authority to control and regulate rates, charges, and conditions of service for the retail sale of electricity in the state, the Michigan Public Service Commission intervenes in this matter pursuant to the authority conferred by applicable state statutes, rules, and procedures.

5. Michigan is vitally interested in matters involving the transmission of electricity and the allocation of transmission costs that affect Michigan utilities and ratepayers. Michigan thus has a direct interest in this proceeding that cannot be adequately represented by any other party. Therefore, Michigan's participation and intervention is in the public interest.

² *Midwest Independent System Operator, Inc., et al*, Docket No. EL02-111-000.

WHEREFORE, the State of Michigan and the Michigan Public Service Commission respectfully request that the Commission grant its requested intervention.

Respectfully submitted,

**STATE OF MICHIGAN AND
MICHIGAN PUBLIC SERVICE COMMISSION**

Michael A. Cox
Attorney General

/s/ Patricia S. Barone

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Dated: August 8, 2003

Its Attorneys

CERTIFICATE OF SERVICE

I hereby certify that I this day served a copy of the foregoing document by first class United States mail, postage prepaid, to all parties listed on the official service list compiled by the Secretary in this proceeding.

Dated this 8th day of August, 2003.

/s/ Patricia S. Barone